

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nina Mickens	Team: APU	CCRB Case #: 201200276	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sun, 01/01/2012 5:38 AM	Location of Incident: [REDACTED]	Precinct: 23	18 Mo. SOL 07/01/2013	EO SOL 7/1/2013	
Date/Time CV Reported Sun, 01/01/2012 5:57 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/06/2012 3:31 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers		[REDACTED]	023 PCT
2. POM Daniel Callinan	17721	[REDACTED]	023 PCT
3. POM Michael Cintron	22065	[REDACTED]	023 PCT
4. POM Theohari Koumniotes	15817	[REDACTED]	023 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Thomas Durkin	01109	[REDACTED]	023 PCT
2. POM Kelvin Puello	07071	[REDACTED]	023 PCT
3. POM Harish Mansharamani	25683	[REDACTED]	023 PCT

Officer(s)	Allegation	Investigator Recommendation
[REDACTED]	§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
C. POM Theohari Koumniotes	Force: PO Theohari Koumniotes used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D. POM Daniel Callinan	Force: PO Daniel Callinan used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
E. POM Michael Cintron	Force: PO Michael Cintron used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
F. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
G. POM Daniel Callinan	Discourtesy: PO Daniel Callinan spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

## Case Summary

§ 87(2)(b) called 911 on January 1, 2012, to report an incident he witnessed and was transferred to IAB. Log # 12-00283 was generated and received at the CCRB on January 6, 2012 (encl. 8).

On January 1, 2012, at approximately 5:30 a.m., § 87(2)(b) was arrested by officers at the corner of 1<sup>st</sup> Avenue and East 106<sup>th</sup> Street in Manhattan and removed to the hospital for injuries sustained during his arrest. The following allegations resulted from the officers' actions:

- **Allegation A – Force: PO Theohari Koumniotes used physical force against** § 87(2)(b)  
§ 87(2)(b)
- **Allegation B – Force: PO Daniel Callinan used physical force against** § 87(2)(b)  
**Allegation C – Force: PO Michael Cintron used physical force against** § 87(2)(b)  
§ 87(2)(g) § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)
- **Allegation D – Force: Officers used physical force against** § 87(2)(b)  
§ 87(2)(g) § 87(2)(b)
- **Allegation E – Force: PO Daniel Callinan spoke discourteously to** § 87(2)(b) § 87(2)(d)  
§ 87(2)(g) § 87(2)(b), § 87(2)(g)
- § 87(4-b), § 87(2)(g)
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### Results of Investigation

The case was originally assigned to Inv. Cordell Hackshaw on January 9, 2012. Upon his resignation, it was re-assigned to Inv. Susruta Sudula on August 17, 2012 and then to the undersigned on September 10, 2012. After returning from Super Storm Sandy, the case was re-assigned to Inv. Katherine Broeksmit on February 13, 2013. Lastly, the case was re-assigned again to the undersigned on March 15, 2013.

### Civilian Statements

**Victim:** § 87(2)(b)

- § 87(2)(b)

### Telephone statement

On February 16, 2012, § 87(2)(b) provided the following phone statement (encl. 12).

On January 1, 2012, after 5:00 a.m., in the vicinity of § 87(2)(b) attempted to enter a cab with his friends to go to a restaurant. § 87(2)(b) did not fit, so he tried to catch another cab. At no point did he engage in a dispute with the cab driver.

As he waited for the cab, § 87(2)(b) sensed something was behind him. He turned around and saw someone trying to grab him so he began to run away. § 87(2)(b) looked behind him and saw that an officer, identified via the investigation as PO PO Daniel Callinan, was chasing him. Another officer followed behind. An unknown officer commented, "We are going to make you scream like a little girl." § 87(2)(b) ran around Franklin Plaza, a group of buildings in the area, and realized he had run back to where he was originally grabbed by PO Callinan. § 87(2)(b) stopped in front of another police officer, identified via the investigation as PO Theohari Koumniotes, and placed his hands in the air.

PO Koumniotes screamed and then tackled § 87(2)(b) to the ground. When § 87(2)(b) tried to put his hands behind his back, he started to get hit. § 87(2)(b) tried to block his face with the cement but kept getting punched and kicked. The officers were making comments. However, § 87(2)(b) did not say what they were. § 87(2)(b) felt that the officers took it overboard and were trying to harm him. There were so many officers on § 87(2)(b) that they seemed to be hitting on each other. He remembered an officer saying that "Dan" hit him [the officer] and/or kicked him [the officer] in the hand. EMS treated § 87(2)(b) the same day. § 87(2)(b) had a concussion and as a result and he has had headache. He had pain to his back, both of his eyes were black and he alleged he was still going through extreme emotional and physical pain.

§ 87(2)(b) believed that after the officers saw how badly they injured him, he received charges for controlled substance and assaulting an officer. § 87(2)(b) admitted that he had marijuana on him. § 87(2)(b) did not recall a transit bus being present because he was in and out of consciousness. § 87(2)(b) ran into a woman after the incident that said she witnessed the incident but he did not have her contact information. § 87(2)(b) had an attorney and said he would consult with him before providing a statement.

### **Contact Attempts**

Attempts were made to contact § 87(2)(b) via telephone between February 8, 2012 and March 15, 2012. Several messages were left for § 87(2)(b) with a relative and on his voicemail after he provided a telephone statement on February 16, 2012. However, § 87(2)(b) never returned any of the calls. Two letters were sent to § 87(2)(b) on February 7, 2012 and March 5, 2012 that were not returned to the CCRB. A check of the Department of Corrections confirmed that § 87(2)(b) was not incarcerated. As of the date of this report, he has not contacted the CCRB.

### **Victim:** § 87(2)(b)

- § 87(2)(b)

### **CCRB Statement**

§ 87(2)(b) provided a telephone statement to the CCRB on February 23, 2013 and June 14, 2013 (encl. 14). He was interviewed at the CCRB on March 5, 2012 (encl. 15A-G).

On January 1, 2012, § 87(2)(b) was operating § 87(2)(b). A little after 5:00 a.m., § 87(2)(b) drove to § 87(2)(b) where he saw police activity because of lights flashing. § 87(2)(b) heard a scream on his left and saw § 87(2)(b) lying in the middle of the street in handcuffs. There was a male officer, § 87(2)(b), PO 1, straddled over § 87(2)(b) and repeatedly punching him in the rib cage. PO1 has been identified via the investigation as PO PO Daniel Callinan. Another male officer described as § 87(2)(b) had his left knee on § 87(2)(b)'s shoulder and repeatedly punched him in the face. This officer has been identified as PO Michael Cintron. There were one to two other male officers but § 87(2)(b) was more focused on PO Callinan and PO Cintron to determine what the other officers were doing but they were also hitting § 87(2)(b). § 87(2)(b) shouted to the officers to stop hitting him but PO Callinan turned to § 87(2)(b) and said, "Get the fuck out of here!" § 87(2)(b) kept watching the scene. PO Callinan then got up and walked away to the left. However, PO Cintron who had stopped when § 87(2)(b) had shouted at them continued punching § 87(2)(b) in the face.

About two minutes later, a black Chevy Impala arrived on the scene. There might have been four uniformed officers in the car but § 87(2)(b) recalled three officers; a driver, PO5, a white male sergeant who sat in the front seat and PO6, a Hispanic female sergeant who was in the back. § 87(2)(b) beckoned to PO6 who approached the bus window. § 87(2)(b) complained about the officers' actions. PO6 looked at the scene and then walked away. PO Cintron still continued punching § 87(2)(b) and had his knee on § 87(2)(b)'s shoulder. § 87(2)(b) shouted to PO6 to stop the officers but she did nothing to stop it. She walked towards the back of the bus. § 87(2)(b) next shouted at PO5 to stop PO Cintron but he did not go near the officers and laughed at § 87(2)(b). § 87(2)(b) was not moving and § 87(2)(b) figured he was knocked unconscious. PO3, who was originally hitting § 87(2)(b) along with PO Cintron and PO Callinan, went to the front of patrol van (#§ 87(2)(b)) and returned with an item that was concealed in his hand. PO3 had at least one or more stripes on his sleeve to show his tenure on the lower arm of his jacket. PO3 began to punch § 87(2)(b) repeatedly in the face with the object as PO Cintron stopped. PO3, PO5 and PO6 remain unidentified.

PO Cintron walked over to § 87(2)(b) and told him to leave the area or he was going to put the bus out of service. § 87(2)(b) told him that he could try to do so and would be happy to have his supervisors come on the scene to explain the situation to them. A passenger, identified as § 87(2)(b) that frequented the bus since 2003 appeared to be recording the incident and said he would send it to New York One. Eventually, § 87(2)(b) drove off and no one was hitting § 87(2)(b) at that time. § 87(2)(b) punched a bus receipt, which showed that he left the scene around 5:25 a.m. (encl. 15D-E). Later on a fellow driver later told § 87(2)(b) that he also saw the incident, as he drove by in his private car. § 87(2)(b) did not identify the § 87(2)(b) or provide his contact information.

**Complainant/Witness:** § 87(2)(b)

- § 87(2)(b)

§ 87(2)(b) provided a telephone statement on February 1, 2012 (encl. 10) and was interviewed at the CCRB on February 3, 2012 (encl. 11A-E). § 87(2)(g)

§ 87(2)(b) went to the front of the bus to ask § 87(2)(b) why the bus was not moving after 10-15 minutes. § 87(2)(b) said officers were beating someone up and that is when § 87(2)(b) observed the interaction. There were about four to five white/Hispanic male officers in uniform to the left of the bus, a marked van was nearby and they were surrounding § 87(2)(b) 25 feet from the curb. § 87(2)(b) was in handcuffs lying on the ground on his stomach. § 87(2)(b) corroborated that § 87(2)(b) was shouting at officers through his driver's window about their behavior. There were two officers on either side of § 87(2)(b). The officers were all bent down on their knees. One officer was near § 87(2)(b)'s head and punched § 87(2)(b) in the face/head area multiple times. Another officer had his foot on § 87(2)(b)'s neck and another had his knees on § 87(2)(b)'s back. Another officer was kicking and hitting § 87(2)(b) in his back. Two of the officers were mainly securing § 87(2)(b) who was not resisting but trying to avoid the blows.

The physical interaction lasted five to six minutes. § 87(2)(b) § 87(2)(b) § 87(2)(b) that PO Cintron told § 87(2)(b) to move the bus or he would have it impounded and that additional officers arrived at the location but would not instruct the officers to stop. § 87(2)(b) § 87(2)(b) called 911 as the bus pulled off to report the incident.

### **NYPD Statements:**

#### **Subject Officer: POLICE OFFICER DANIEL CALLINAN**

- § 87(2)(b)
- *PO Daniel Callinan worked from 5:00 p.m. on December 31, 2011 to 3:35 a.m. on January 1, 2012. He was assigned to Conditions Auto doing New Year's Day detail with Sgt. Thomas Durkin, PO Kevin Puello, PO Michael Cintron, PO Theohari Koumniotes and PO Harish Mansharamani. PO Callinan was dressed in uniform and in a marked police van.*

### **Memo book**

During this incident, PO Callinan lost his memo book. A complaint report was prepared in regard (encl. 16A-B)

### **Arrest Report**

The online booking sheet prepared by PO Callinan notes that § 87(2)(b) was running from the location of a dispute. When attempting to talk to § 87(2)(b) he ran at the sight of officers, grabbing his waistband which was found to be crack/cocaine. When attempting to make a lawful arrest, § 87(2)(b) struck PO Koumniotes in the head with an elbow causing an abrasion, a slight concussion and a chipped tooth. § 87(2)(b) continued to resist arrest by flailing his arms and legs causing PO Puello to strain ligaments in his right pinky finger. Upon further investigation, § 87(2)(b) was found to have an open bench warrant. Sgt. Durkin is the approving supervisor on the report (encl. 16C-E)

### **Criminal Court Complaint**

PO Callinan recovered 6 bags of crack/cocaine from the ground where he observed § 87(2)(b) drop the bags. PO Callinan observed § 87(2)(b) elbow PO Koumniotes in the head causing a chipped tooth and substantial pain. PO Puello also sustained a sprained ligament to his finger. § 87(2)(b) kicked his legs and flailed his arms to avoid arrest. Four bags of marijuana were recovered from § 87(2)(b)'s hand during the arrest (encl. 17A-B).

### **CCRB Statement**



On January 1, 2012, at approximately 5:30 a.m., PO Callinan was sitting in the back of a marked police van with the other officers traveling westbound on § 87(2)(b). There was a call over the radio regarding a dispute on § 87(2)(b). PO Callinan did not recall any further details regarding the radio run. When the officers got to the location, PO Callinan saw a livery cab pulling away as two black males were trying to enter. The cab driver waved the two men off and sped away. PO Callinan was not able to identify the cab or the driver but thought that this incident might be associated with the radio run so he decided to approach the two men and find out.

When PO Callinan exited the police van, one of the males who he identified as § 87(2)(b) looked at him. § 87(2)(b) turned to the side, grabbed at his waistband as though he were reaching for something, possibly a weapon, and then began running away from PO Callinan. PO Callinan thought that § 87(2)(b) had a weapon so PO Callinan focused his attention on § 87(2)(b) and not on the second black male present. PO Callinan did not believe that the second black male ran. PO Callinan did not recall what exactly he said to § 87(2)(b) but it was also immediately apparent that upon § 87(2)(b) sight of PO Callinan, he was off and running.

PO Callinan chased after § 87(2)(b) who tripped several times but was able to stay ahead of PO Callinan, PO Cintron and PO Mansharamani. There might have been another officer but PO Callinan did not recall. PO Callinan could not remember if either Sergeant Durkin or PO Puello partook in the chase. The chase lasted for about two to three minutes as § 87(2)(b) ran through Franklin Plaza of the nearby housing complex and at some point, he threw an object away from him. PO Callinan later recovered several vials of crack/cocaine and marijuana. PO Callinan lost his memo book during the chase and was unable to find it. At one point, § 87(2)(b) ran under some scaffolding and hit his face squarely against it as he went under. During the entire chase until this point, no officers had any physical contact with § 87(2)(b). They were running around somewhat in circles in the area and they eventually made their way back to § 87(2)(b) where the police van was located. PO Koumniotes was standing near the van, shouting at § 87(2)(b) to stop.

§ 87(2)(b) continued running towards PO Koumniotes and tried to run through him. As he did so, he took a swing at PO Koumniotes. PO Callinan was not sure whether it was § 87(2)(b)'s hand or elbow that made contact with PO Koumniotes but it struck him about the head. PO Koumniotes pulled § 87(2)(b) to the ground, at which point PO Koumniotes chipped one of his front teeth in half. § 87(2)(b) and PO Koumniotes were on the ground by the time PO Callinan and the other officers were able to get to them. § 87(2)(b) continued to flail, kick, curse and denied any wrongdoing. PO Koumniotes rolled § 87(2)(b) onto his stomach in his attempt to place him in handcuffs. PO Callinan and the other officers all worked together to get § 87(2)(b) hands behind his back since he was actively resisting arrest by pushing up, rolling over, cursing and screaming. § 87(2)(b) was throwing elbows to get officers off of him and also tried to lie on top of his hands. PO Callinan punched § 87(2)(b) three times in the right torso area and may have placed his knee on § 87(2)(b)'s back and/or shoulder area to get § 87(2)(b)'s arms behind his back. PO Callinan did not know if any other officers hit § 87(2)(b) in the body. None of the officers kicked § 87(2)(b) or struck him in the face/neck area with an object. No officers punched § 87(2)(b) in the face or anywhere after he was placed in handcuffs. It took about 30 seconds to get § 87(2)(b) into handcuffs and he was placed in the patrol van. No officers used any physical force against § 87(2)(b) after he was placed in handcuffs as § 87(2)(b) had stopped resisting.

No civilians attempted to intervene while they were on the scene. No civilians were told to “Get the fuck out of here” by PO Callinan or any of the other officers. § 87(2)(b) was charged with § 87(2)(b) because PO Koumniotes broke his front tooth, PO Puello injured his one of his pinky fingers and PO Cintron hurt his hand. PO Callinan did not recall additional supervisors being on the scene at the time of the incident.

**Subject Officer: PO MICHAEL CINTRON**

- § 87(2)(b)
- *PO Cintron worked from 7:00 p.m. on December 31, 2011 to 3:35 a.m. on January 1, 2012. He was assigned to the New Year’s Eve Overtime Detail. PO Cintron was working with Sgt. Thomas Durkin, PO Kevin Puello, PO Daniel Callinan, PO Harish Mansharamani and PO Theohari Koumniotes. PO Cintron was dressed in uniform and in a marked police van.*

**Memo book:**

PO Cintron reportedly lost his memo book at some point after the incident. However, he did not prepare a complaint report in regard.

**AIDED Worksheet and Line of Duty Injury Report**

PO Cintron sustained a sprained right hand while affecting an arrest of a resisting perpetrator (encl. 19A-C).

**LOD witness statements**

PO Cintron witnessed PO Koumniotes fall to the ground with § 87(2)(b) while attempted to subdue him. PO Koumniotes immediately complained of pain to his head and a chipped tooth (encl. 19D). PO Cintron witnessed PO Puello fall to the ground with § 87(2)(b) and immediately complained of pain to his right pinky finger (encl. 19E)

**CCRB Statement**

The CCRB interviewed PO Cintron on June 5, 2012 (encl. 20A-D). § 87(2)(g)

PO Cintron corroborated PO Callinan’s statement regarding § 87(2)(b) beginning to run. However, PO Cintron did not know what actions § 87(2)(b) made to have caused the initial officer to chase after him. PO Cintron was still in the marked police van and instructed the driver of the vehicle, believed to be PO Mansharamani, to drive the van across the street to try to cut off § 87(2)(b). When § 87(2)(b) went to the east side of the street for the first time, he tried to duck under the scaffolding. PO Cintron recalled hearing a thud, but did not know which part of the body § 87(2)(b) had hit.

PO Cintron got out of the van and went after § 87(2)(b). PO Callinan and PO Mansharamani were ahead of PO Cintron chasing after § 87(2)(b). Sgt. Durkin, PO Puello and PO Koumniotes remained at the scene with the second unidentified male. At some point during the chase, § 87(2)(b) reached into his waistband area and threw narcotics to the ground. § 87(2)(b) ran to § 87(2)(b) where PO Koumniotes was securing the marked police van. PO Koumniotes told § 87(2)(b) to stop, but § 87(2)(b) collided with him. § 87(2)(b) had his forearm in front of him, which made initial contact with PO Koumniotes. PO Cintron did not know which part of PO Koumniotes’ body § 87(2)(b) hit but

they both fell to the ground. PO Cintron could not remember where PO Puello and Sgt. Durkin were at this time but the other officers were running to help.

§ 87(2)(b) was wrestling with PO Callinan, PO Mansharamani, PO Puello and PO Koumniotes when PO Cintron arrived. § 87(2)(b) was flailing his arms and refusing to turn around to be handcuffed. PO Cintron attempted to grab § 87(2)(b) hand. However, in doing so, PO Cintron hit his right hand against the ground and injured it. PO Cintron saw an officer put a knee on § 87(2)(b) back to prevent § 87(2)(b) from turning over but not recall which officer it was. PO Cintron did not see an officer place his knee on § 87(2)(b) neck. After 30-40 seconds § 87(2)(b) was handcuffed by an unknown officer and placed in the van. Other than officers grabbing § 87(2)(b) arms and one of the officers placing a knee on § 87(2)(b) back, PO Cintron did not recall officers using any other type of physical force against him. Sgt. Durkin did not have any physical contact with § 87(2)(b).

After § 87(2)(b) was on the ground and handcuffed, a bus driver started yelling at the officers to stop. PO Cintron told the bus driver to move but the bus driver did not comply initially. PO Cintron told the bus driver that he would call his supervisor to the scene if he did not move his bus. However, the bus driver insisted that officers should not have arrested § 87(2)(b) nor should they have “done that to him.” The bus driver did not elaborate on this statement but PO Cintron took this to mean that the bus driver was complaining about the physical force the officers used against § 87(2)(b). PO Cintron never told the bus driver to “Get the fuck out of here,” nor did he hear any other officers say this or use any other type of profanity to the bus driver.

**Subject Officer: PO THEOHARI KOUMNIOTES**

- § 87(2)(b)
- *PO Koumniotes worked from 7:00 p.m. on December 31, 2011 to 11:35 a.m. on January 1, 2012. He was working with the SNEU team assigned to Conditions as part of the New Year’s Eve Overtime Detail with along with Sergeant Durkin, PO Mansharamani, PO Callinan, PO Cintron and PO Puello. PO Koumniotes was dressed in uniform and in marked van # § 87(2)(b)*

**Memo book:** At 5:30 a.m., some suspicious males approached a livery vehicle and the cab driver drove away in a frantic manner. At 5:38 a.m., § 87(2)(b) was arrested for § 87(2)(b) § 87(2)(b) struck and swung at police officers. At 5:43 a.m., PO Koumniotes arrived at the 23<sup>rd</sup> Precinct stationhouse. At 6:35 a.m., PO Koumniotes went to St. Luke’s Hospital and left at 9:55 a.m. (encl. 26A-B)

**AIDED Worksheet and Line of Duty Injury Report**

PO Koumniotes sustained a broken front tooth and laceration to the top of his head while affecting an arrest of a resisting perpetrator (encl. 27A-B).

**LOD witness statements**

PO Koumniotes witnessed PO Puello fall to the ground with the suspect and complained of pain to his right hand (encl. 27C-D).

**CCRB Testimony**

The CCRB interviewed PO Koumniotes on July 5, 2012 (encl. 28A-D). § 87(2)(g)



PO Koumniotes told § 87(2)(b) to stop multiple times, but § 87(2)(b) continued running towards him. PO Koumniotes put his head down and either an elbow, fist or shoulder of § 87(2)(b) struck PO Koumniotes on the top of his head. PO Koumniotes began bleeding from his head and also chipped his tooth when his jaw clamped down from the force of the head impact. Half of PO Koumniotes' tooth fell out. PO Koumniotes and § 87(2)(b) both fell to the ground, lying next to the other. PO Koumniotes stood up in a daze and felt disoriented. He saw four to five officers struggling with § 87(2)(b) but he himself did not have any contact with § 87(2)(b). PO Koumniotes could not recall who was on the ground with § 87(2)(b) and where each individual was located. It took a couple minutes to place § 87(2)(b) in handcuffs and be escorted away.

No officers had any physical contact with § 87(2)(b) after he was placed in handcuffs including punching, kicking and/or kneeing him. PO Koumniotes did not recall if any officer struck § 87(2)(b) with an object. PO Koumniotes could not remember if a bus was present at the scene. The other two men were never stopped or placed under arrest.

**Witness Officer: PO KELVIN PUELLO**

- § 87(2)(b)
- *PO Puello worked from 7:00 p.m. on December 31, 2011 to 3:35 a.m. on January 1, 2012. He was assigned to the New Year's Eve Overtime Detail in the Conditions van with Sgt. Durkin, PO Mansharamani, PO Koumniotes, PO Callinan, and PO Cintron. PO Puello was dressed in uniform.*

**Memo book:** At 5:35 a.m., PO Puello suffered a line of duty injury during an arrest at § 87(2)(b) in Manhattan (encl. 21A-B).

**AIDED Worksheet and Line of Duty Injury Report**

PO Puello dislocated his right pinky finger while attempting to make an arrest of a resisting suspect (encl. 22A-B).

**CCRB Statement**

The CCRB interviewed PO Puello on June 6, 2012 (encl. 23A-C). § 87(2)(g)

PO Puello did not remember hearing any dispute calls. One of his partners observed § 87(2)(b) in the process of committing a crime, but PO Puello himself did not see anything. PO Callinan and PO Mansharamani followed after PO Cintron to engage in the pursuit. PO Puello then jumped in the driver's seat but there was no sign of the officers for 2-5 minutes until he turned onto 1<sup>st</sup> Avenue and saw his partners trying to handcuff § 87(2)(b) on the ground. PO Puello did not see the initial contact that was made between the officers and § 87(2)(b). PO Puello jumped out of the van. PO Koumniotes and PO Mansharamani were on scene. PO Cintron and PO Callinan were probably at the scene as well but PO Puello could not recall what they were doing. When PO Puello tried to get on the floor to assist the officers, he injured his pinky finger. § 87(2)(b) was flailing his hands and attempted to kick the officers. PO Puello could not grab him but lay over his legs with his upper body. It took more than a minute to handcuff § 87(2)(b) who was attempting to fight the officers. After § 87(2)(b) was handcuffed, he was placed in the police van. PO Puello could not remember if § 87(2)(b) was resisting after he was placed in handcuffs. PO Puello never saw any officers repeatedly punch or kick § 87(2)(b).

§ 87(2)(b) after § 87(2)(b) was placed in handcuffs. He did not see any officer placed a knee or foot on him. PO Puella never punched and/or kicked § 87(2)(b). PO Puella did not see officers striking § 87(2)(b) with any object or any other civilians present. PO Puella did not say or hear any officer say "Get the fuck out of here."

**Witness Officer: PO HARISH MANSHARAMANI**

- § 87(2)(b)
- PO Mansharamani worked from 7:00 p.m. on December 31, 2011 to 3:35 a.m. on January 1, 2012. He was part of the SNEU team, but was assigned to Conditions that day as part of the New Year's Eve Overtime Detail working with Sergeant Durkin, PO Callinan, PO Koumniotes, PO Cintron and PO Puella. PO Mansharamani was dressed in uniform and in a marked police van, 8708.

**Memo book:** At 5:38 a.m., PO Callinan arrested one person at the corner of § 87(2)(b) § 87(2)(b). Three police officers were transported to St. Luke's Hospital (encl. 24).

**CCRB Statement**

The CCRB interviewed PO Mansharamani on June 6, 2012 (encl. 25A-C). § 87(2)(g)

PO Mansharamani followed the officers in the vehicle in an attempt to cut § 87(2)(b) off. PO Mansharamani then pursued § 87(2)(b) on foot but could not remember who was running ahead of him or behind him. PO Mansharamani lost sight of § 87(2)(b) until he turned the corner. At this point, § 87(2)(b) and PO Koumniotes were fighting on the ground. PO Mansharamani was still a distance away so he could not see the details of what was occurring. When PO Mansharamani arrived on the scene, he helped the officers rear-cuff § 87(2)(b). PO Mansharamani could not recall which officers were assisting. PO Mansharamani could not recall if § 87(2)(b) was resisting after he was placed in handcuffs. However, no officers punched or kicked § 87(2)(b) or struck § 87(2)(b) with an object. PO Mansharamani did not punch or kick § 87(2)(b). PO Mansharamani could not recall if any other civilians interjected in the situation. He could not recall if there was a bus on the scene. PO Mansharamani did not say or hear any officers say "Get the fuck out of here."

**Officers not interviewed**

Sgt. Durkin is out indefinitely on military leave under Personnel Order 237 since September 5, 2012. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that a male and female sergeant arrived at the scene towards the end of the interaction and witnessed the physical force used against § 87(2)(b). § 87(2)(g)

**Medical Records**

Because § 87(2)(b) did not cooperate with the investigation his official medical records could not be obtained.

### **NYPD Document(s)**

#### **Sprint**

Job # § 87(2)(b) is for call involving a fight with about 10 males and females at § 87(2)(b), at § 87(2)(b). At 6:00 a.m., sector E responded and labeled the job as unfounded (encl. 31A).

Job # § 87(2)(b) involved a female caller arguing with a cab driver at § 87(2)(b) § 87(2)(b) in Manhattan at § 87(2)(b). Sector A labeled the job as unfounded at 7:02 a.m. (encl. 31B).

Job # § 87(2)(b) indicates that an anonymous caller said officers were making an arrest and beating the person up. A sergeant was on scene. No other units were noted (encl. 31C).

### **Communications CD**

The communication CDs related to the 911 calls were no longer available 90 days after the incident.

#### **Arrest Photo**

§ 87(2)(b) arrest photo from January 1, 2012 shows a lacerations and swelling above the right eye and swelling and bruising below his right eye and along the right cheek. The right eye is almost completely closed. The left eye is black underneath and § 87(2)(b) has a laceration on the right side of his upper lip (encl. 13A).

### **Medical treatment of a prisoner form**

The medical treatment of a prisoner form was filled out by § 87(2)(b) and indicates that § 87(2)(b) had a head laceration, swelling around the eyes and pain to the right shoulder. CT Scans showed no evidence of fracture. § 87(2)(b) received a tetanus shot and Tylenol for his headache (encl. 34).

### **Command Log**

The 23<sup>rd</sup> Precinct command log notes § 87(2)(b)'s arrest at § 87(2)(b) by PO Callinan. Sgt. Durkin verified the arrest. § 87(2)(b) was removed to § 87(2)(b). There is no notation about § 87(2)(b) physical and mental condition (encl. 33).

### **Roll call**

PO Koumniotes, PO Mansharamani, PO Callinan, PO Cintron and PO Puello were assigned to SNEU under Sgt. Durkin's supervision. Sgt. Bryan Natale was the only other white male sergeant working during Tour 3. Sgt. Stephanie Martinez and Sgt. Ginger Ortiz were the only Hispanic female sergeants working during Tour 3.

### **Complaint Report search**

A search of the complaint report database confirmed that PO Cintron did not file a complaint report regarding his lost memo book (encl. 40R)

### **Summons/Arrest for Incident and Disposition**

- Arrest number § 87(2)(b) regarding this incident is sealed (encl. 35B).

- § 87(2)(b) has filed a Personal Injury Claim with the City of New York on March 29, 2012, claiming that he was falsely arrested and had excessive force used against him and seeking ten million dollars as redress (encl. 34A-D).

- As of June 7, 2013, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) and § 87(2)(b)

- § 87(2)(b)

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 5-7).

- PO Koumniotes has been a member of the service for 4 years and there are no substantiated CCRB allegations against him (encl. 2A-B).
- PO Callinan has been a member of the service for 5 years and there are no substantiated CCRB allegations against him (encl. 3).
- PO Cintron has been a member of the service for 6 years and there are two substantiated CCRB allegations against him (encl. 4).

## Conclusion

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§ 87(2)(b) described an officer that initiated the physical interaction and tackled him to the ground. PO Koumniotes admitted to being the first officer to physically interact with § 87(2)(b). Therefore a force allegation is pleaded to PO Koumniotes.

PO Callinan and PO Cintron acknowledged their roles in the incident and admitted to actions that § 87(2)(b) described that two of the subject officers were doing. Therefore force allegations are pleaded to PO Callinan and PO Cintron.

Although PO Puello, Sgt. Durkin and PO Mansharamani were also at the location, there is no specific force allegations against them. Therefore an additional force allegation is only pleaded to “officers”.

### **Investigative Findings and Recommendations**

#### **Allegations not pleaded**

§ 87(2)(b) alleged that an officer retrieved an object from the police van and struck § 87(2)(b) with it. § 87(2)(g)

#### **Allegation A – Force: PO Theohari Koumniotes used physical force against § 87(2)(b)**

#### **Allegation B – Force: PO PO Daniel Callinan used physical force against § 87(2)(b)**

#### **Allegation C – Force: PO Michael Cintron used physical force against § 87(2)(b)**

#### **Allegation D – Force: Officers used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that PO Koumniotes tackled him to the ground, after which officers began kicking and punching him. He stated that the officers were hitting him so much that they accidentally hit each other. § 87(2)(b) and § 87(2)(b) independent witnesses in the case, alleged that officers identified via the investigation as PO Callinan and PO Cintron repeatedly punched § 87(2)(b) as he lay handcuffed on the ground. They also alleged that one or two additional officers also kicked and struck § 87(2)(b).

PO Koumniotes described § 87(2)(b) charging into him when he commanded § 87(2)(b) to stop running. § 87(2)(b) allegedly struck PO Koumniotes in the head and they both fell to the ground. PO Koumniotes could not recall which officers then started to restrain § 87(2)(b) but denied that he physically interacted with § 87(2)(b) or that § 87(2)(b) was punched or kicked. PO Callinan corroborated PO Koumniotes statement regarding being struck by § 87(2)(b) and indicated that PO Koumniotes pulled § 87(2)(b) to the ground and rolled him on his stomach immediately after. PO Callinan and other officers, whom he could not specify, tried to restrain § 87(2)(b). PO Callinan admitted to punching § 87(2)(b) in the right rib area and placing his knee on § 87(2)(b)'s neck to hold him down. PO Callinan denied that he or any other officer punched or kicked § 87(2)(b) before or after he was in handcuffs. Additionally, PO Callinan alleged that § 87(2)(b) ran into scaffolding and hit his face on it prior to the officers having a physical interaction with him. PO Cintron alleged that four other officers were struggling with § 87(2)(b) before he helped them. PO Cintron denied punching or kicking § 87(2)(b) at any point and said he injured his hand trying to grab § 87(2)(b). PO Cintron saw an officer place a knee on § 87(2)(b) to prevent him from turning but denied witnessing any other force. PO Koumniotes, PO Puello and PO Cintron were injured while affecting § 87(2)(b)'s arrest but they all denied using any physical force or seeing another officer use physical force. PO Mansharamani recalled seeing PO Koumniotes fighting with § 87(2)(b).



§ 87(2)(b) but said he was too far away to see exactly what happened. Lastly, Sgt. Durkin was not interviewed since his is on extended military leave.

§ 87(2)(g) [REDACTED] § 87(2)(b) [REDACTED]

[REDACTED] § 87(2)(b) [REDACTED]

[REDACTED] § 87(2)(b) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(g)

**Allegation E – Force: PO Daniel Callinan spoke discourteously to** § 87(2)(b)  
 § 87(2)(b) alleged that PO Callinan told him to “get the fuck out of here”, when he yelled at the officers to stop hitting § 87(2)(b). § 87(2)(b) did not allege that he heard any officers use profanity towards § 87(2)(b). § 87(2)(b) did not recall if a bus was at the scene.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: 2



	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date